



MARKED UP COPY OF AMENDED SPECIFICATION – S/N 09/901,870

TITLE

GRAPEVINE PLANT NAMED 9-9-12

GENUS AND SPECIES

[0001] *Vitis vinifera*

BACKGROUND AND SUMMARY OF THE INVENTION

[0002] The new table grapevine '9-9-12' is of *Vitis vinifera* parentage and resulted from an eighteen year breeding program of Marko Zaninovich, Inc. which had as its goal the development of a grapevine bearing large, seedless, green berries harvested in late season such as Thompson Seedless (unpatented). The female parent, grapevine '4-2-74' is a seeded grapevine bearing green-skinned fruit. It was derived from the variety 'Calmeria' (unpatented) and a seedless grapevine designated Q25-6. The male parent of the cross was an unnamed, unpatented, seedless grapevine designated as grapevine '5-20-60'. Grapevine '5-20-60' bears green, seedless berries and descends from a 'Cardinal' (seeded) and 'Perlette' (seedless) (both unpatented). The hybridization resulting in grapevine '9-9-12' was made near McFarland, California in 1988. Seeds from this cross were harvested, stratified and planted in a greenhouse. The resulting seedling population totaled 13 individual plants. All seedlings were subsequently transplanted to a field near McFarland, California in March, 1989. Grapevine '9-9-12' fruited in 1993 and was selected for further propagation. It was then propagated by cuttings and was grafted to 'Freedom' rootstock in 1995. This new variety has been found to retain its distinctive characteristics through successive propagation and this novelty is firmed fixed.

[0003] The new grapevine variety, grapevine '9-9-12' is similar to its male parent variety '5-20-60', but differs from it by having a much larger berry with firmer flesh. It differs from its female parent '4-2-74' by having a seedless (stenospermic) berry of much smaller size. Fruit cluster size is similar to '5-20-60'. Harvest time of '9-9-12' is later than that of its male parent '5-20-60', about 1 week after 'Thompson Seedless' (unpatented) in McFarland, California. It differs from other green, seedless varieties such as 'Princess' (unpatented) by having a much larger berry with applications of gibberellic acid.

[0004] The accompanying drawings illustrate the following:

FIG 1 illustrates the fruit cluster at harvest.

FIG 2 illustrates the upper leaf surface.

FIG 3 illustrates the young shoot and leaves.

#### DETAILED BOTANICAL DESCRIPTION OF THE INVENTION

[0005] The following description of grapevine '9-9-12' contains references to color names taken from the Munsell Color Chart for Plant Tissues, published by Munsell Color, New Windsor, New York. Descriptors used herein conform to those set forth by the International Board for Plant Genetic Resources Institute Grape Descriptors (*Vitis* spp.) of 1983 and/or 1997 which were developed in collaboration with the Office International de la Vigne et du Vin (OIV) and the International Union for the Protection of New Varieties of Plants (UPOV).

[0006] Descriptions of the new invention apply to vines of '9-9-12' grown on 'Freedom' rootstock at a density of 1,537 vines per hectare grown in Kern County, California in 2000. These vines were in their third year of full production having been planted in 1995. These descriptions are believed to apply generally to the new variety grown under similar circumstances elsewhere:

#### VINE

[0007] General:

*Size:* 5 year old vines on 'Freedom' rootstock are average size – trunk diameter is 70 mm.

*Vigor:* 5 year old vines on 'Freedom' rootstock are above-average vigor – cane length on vines thinned to 32 shoots averaged 2.65 meters of growth from March – September 2000.

*Density of foliage:* Moderate.

*Productivity:* Productive when cane pruned, up to 65kg./hectare.

*Trunk circumference:* About 22cm. at 1 meter height.

*Rootstock:* Freedom.

[0008] Trunk:

*Shape:* Circular.

*Straps:* Long, split.

*Surface texture:* Shaggy.

*Inner bark color:* 7.5YR 6/4

[0009] Mature Leaves



*Outline:* Spherical

*Lobing:* 3 well-defined lobes.

*Marginal teeth:* Large.

*Teeth outline:* Acuminate.

*Thickness:* Medium

*Petoilar sinus:* Narrow, v-shaped.

*Color of veins, upper surface:* 5Y 8/8.

12  
[0010]

Shoot tip:

*Color:* 2GY 7/8

13  
[0011]

Petiole:

*Color:* 2.5 GY 8/8.

14  
[0012]



Woody shoot:

*Cross section:* Circular.

*Diameter:* 1 cm.

*Shoot surface:* Rough, ridged.

*Dormant buds:* Large, flattened.

*Lateral branching:* Weak.

*Color:* 7.5 YR 6/6.

15  
[0013]

Flowers

*Flower sex:* Perfect.

*Position of first flowering nodes:* 4th.

*Number of inflorescences per shoot:* 1, rarely 2.

*Inflorescence branches:* Slender and irregular in length and

Position.

*Date of full bloom:* May 19, 2000.

*Time of bloom:* Late compared to other *Vitis vinifera* growing in the McFarland, California area.

Fruit

16  
[0014]

General:

*Ripening period:* About 1 week after 'Thompson Seedless' near McFarland, California.

*Ripening date:* August 12, 2000

*Use:* Fresh market.

*Keeping quality:* Very good. Clusters stored in mid-August retained high quality for a period of 10 weeks, some bruising of epidermis seen.

*Disease:* Some powdery mildew (*Uncinula necator* (Schw) Burr.) has been observed on leaves and fruit. No other diseases observed.

*Insects:* Grape leafhopper, *Erythroneura elegantula* (Osborn) and variegated leafhopper, *Erythroneura variabilis* (Beamer) have been observed feeding on vines. No other predaceous insects have been observed.

*Shipping quality:* Good.

*Date of first harvest:* August 12, 2000.

*Solids-sugar:* 20 brix.

17  
[0015]

Cluster:

*Bunch size:* Large.

*Bunch weight (natural):* 480g.

*Bunch weight (gibberellic acid treated):* 920g.

*Form:* Conical.

18  
[0016]

Berry

*Size:* Large.

*Uniformity of size:* Uniform.

19

*Shape:* Spherical.

*Presence of seeds:* Rudimentary.

*Cross section:* Circular.

*Skin color:* 2.5GY 8/4

*Juiciness of flesh:* Very juicy.

*Berry firmness:* Very firm.

*Particular flavor:* Neutral.

*Bloom:* Strong.

*Berry separation from pedicel:* Average for *Vitis vinifera*.

19  
[0017]

Skin

*Thickness:* Medium.

*Texture:* Smooth.

*Reticulation:* Absent.

*Tenacity:* Tenacious to flesh.

*Tendency to crack:* Resistant.

20  
[0018]

Tendrils



Bifurcated or trifurcated.

## CLAIM

What is claimed is:

1. A new and distinct variety of grapevine plant, substantially as illustrated and described.



## ABSTRACT

<sup>21</sup>  
[0019]

A new and distinct variety 9-9-12 of the vinifera grape, comparable to Thompson Seedless as a dessert fruit and of similar quality for fresh consumption. The improvements in this invention appear to be very large berry size and more attractive berries after gibberellin treatment, and as well as extension of the harvesting season of fresh seedless grapes.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application number: 09/901,870  
Filing date: July 31, 2003  
First Named Inventor: Harold P. Olmo  
Group Art Unit: 1661  
Examiner Name: Anne Marie Grunberg  
Title of the invention: Grapevine plant named '9-9-12'.

**AMENDMENT**

Honorable Commissioner of Patents  
And Trademarks  
Washington, DC 20231

Sir:

In response to the office action of March 7, 2003, please amend the above-identified application as follows:

Please delete the original claim, specification, drawings and abstract and replace them with the substitute claim, specification, drawings and abstract as shown in the attached pages. Marked up copies of the original text of the specification are attached to this amendment. Material inserted is indicated by underlining and deleted material is indicated by strike-out (strike-out).

The examiner has objected to the drawings. I respectfully request that the examiner label the drawings appropriately as suggested in the Office Action Summary.

The examiner has suggested that the invention be renamed. If not legally required to, I request that the invention maintain its present name due to consideration of cataloging of plant numbers in my extensive plant collection. A change of name at this time would cause confusion among my test cooperators. Withdrawal of the objection is requested. In view of the above amendments and remarks, it is submitted that the claim satisfies the provisions of 35 U.S.C. paragraph 112 and is not obvious over the prior art. Reconsideration of this application and early notice of allowance is requested.

Harold P. Olmo  
1111 Alvarado Avenue  
Apartment #237  
Davis, CA 95616-5938  
Telephone: 530-756-1438

Respectfully yours,  
Harold P. Olmo

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on July 31, 2003 with the United States Post Office in an envelope addressed to: Commissioner of Patents and Trademarks, United States Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202.

Harold P. Olmo

## DECLARATION OF INVENTOR

HAROLD P. OLMO, the above named petitioner, being duly sworn, deposes and says that he is a citizen of the United States of America and resides in Davis, California; that he verily believes himself to be the original, first inventor of the new and distinct variety of GRAPEVINE '9-9-12' described and claimed in the foregoing specification; that he has asexually reproduced the new and distinct variety; that he does not know and does not believe that the same was ever known or ever used before his invention thereof, or patented or described in any printed publication in any country before their invention thereof, or more than one year prior to his application or in public use or on sale in the United States more than one year prior to this application; that said invention has not been patented or made the subject of an inventor's certificate in any country foreign to the United States or an application filed by them or their legal representatives or assigns more than twelve months prior to this application; that he acknowledges a duty to disclose information he is aware of which is material to the examination of this application; that no application for patent on said new and distinct variety of plant has been

filed by him or his representatives or assigns in any country foreign to the United States.

I specify the following address to which communications about the application are to be directed:

Harold P. Olmo

1111 Alvarado Ave, Apt. E237

Davis , CA 95616

Dated: \_\_\_\_\_

By \_\_\_\_\_

Harold P. Olmo